

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

# LOWERRE & FREDERICK

ATTORNEYS AT LAW

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July 27, 2007

2007 JUL 30 AM 10:30

CHIEF CLERKS OFFICE

Ms. LaDonna Castañuela

Chief Clerk

Texas Commission on Environmental Quality

P.O. Box 13087

Austin, Texas 78711

Via facsimile and first-class mail

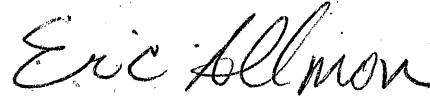
Re: In the matter of the Application of Lerin Hills, Ltd., for TPDES Permit No.  
WQ0014712001, TCEQ Docket NO. 2007-\_\_\_\_-MWD.

Dear Ms. Castañuela,

Enclosed for filing please find an original and eleven copies of the Motion for  
Extension of Hearing Request Deadline in the above-referenced matter.

If you have any questions please call.

Sincerely,



Eric Allmon

LOWERRE & FREDERICK

Enclosures

cc: Service List

TCEQ DOCKET NO. 2007-\_\_\_\_-MWD

2007 JUL 30 AM 10:30

IN THE MATTER OF THE  
APPLICATION LERIN HILLS, LTD.  
FOR TPDES PERMIT NO.  
WQ0014712001

§ BEFORE THE TEXAS  
§ COMMISSION ON  
§ ENVIRONMENTAL QUALITY  
§ CHIEF CLERK'S OFFICE

## MOTION FOR EXTENSION OF HEARING REQUEST DEADLINE

### I. INTRODUCTION

On June 26, 2007, The Chief Clerk mailed the Response to Comments with regard to the application of Lerin Hills, Ltd. Thirty days later, on July 26<sup>th</sup>, 2007, Lowerre & Frederick filed a hearing request with regard to this permit on behalf of Mountainview at Tapatio, L.P., Tapatio Springs Real Estate Holdings, L.P., Kendall County Development Co., L.P., Tapatio Springs Service Company, Kendall County Utility Company, Mr. Bob Webster, Mr. Rick Wood, and Mr. Edgar Blanch (Requesters). Prior to 5:00, a legal assistant at Lowerre & Frederick placed this request in a fax machine for sending to TCEQ. Although the machine scanned the request, the legal assistant was only subsequently told that the machine was broken and would not send faxes. Upon discovering this, the legal assistant immediately sent the hearing request via fax using an alternate machine. As a result of the mechanical difficulties encountered when sending the request, The Chief Clerk's Office received the hearing request of Requesters at 5:02 p.m. on Thursday July 26.<sup>1</sup>

Despite transmittal of the hearing request to TCEQ on July 26<sup>th</sup>, 2007, it is Requesters' understanding that the hearing request has been date-stamped as received on July 27, 2007.

<sup>1</sup> See Attachment A, Fax Broadcast Report, reflecting that fax was sent to (512) 239-3311 at 17:02.

## II. PRAYER

TCEQ rules at 30 TAC § 55.201(g)(2) provide that the Commission may extend the time allowed to file a request for reconsideration, or a request for a contested case hearing. In consideration of Requesters' reasonable efforts to file their hearing request prior to the deadline, and the fact that the small delay in receipt of the request will not prejudice any other party or delay consideration of the request, Requesters respectfully pray that the deadline for hearing requests regarding the application of Lerin Hills, Ltd., for Permit No. WQ0014712001 be extended to 5:15 p.m., July 26, 2007.

Respectfully Submitted,

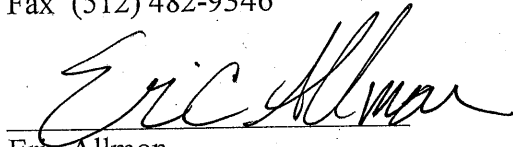
**LOWERRE & FREDERICK**

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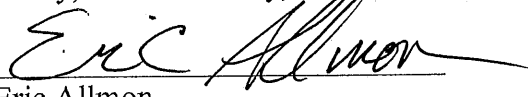


Eric Allmon

State Bar No. 24031819

## CERTIFICATE OF SERVICE

I, Eric Allmon, hereby certify that a true and correct copy of the foregoing Motion for Extension of Hearing Request Deadline was served to the individuals listed below via facsimile transmission and/or U.S. mail on this day, the 27<sup>th</sup> of July, 2007.

  
Eric Allmon

### FOR THE APPLICANT:

Richard Kammerman  
Richard Kammerman, P.C.  
7200 North Mopac, Suite 150  
Austin, Texas 78731  
Facsimile: (512) 233-2763

Fax & Mail

### FOR THE EXECUTIVE DIRECTOR:

Kathy Humphreys, Staff Attorney  
Texas Commission on Environmental Quality  
Environmental Law Division, MC-173  
PO Box 13087  
Austin, Texas 78711-3087  
Facsimile: (512) 239-0606

Fax & Mail

### FOR OFFICE OF PUBLIC ASSISTANCE:

Ms. Bridget Bohac, Director  
Texas Commission on Environmental Quality  
Office of Public Assistance MC-108  
PO Box 13087  
Austin, Texas 78711-3087  
Facsimile: (512) 239-4007

Fax & Mail

### FOR PUBLIC INTEREST COUNSEL:

Mr. Blas Coy, Jr., Attorney  
Texas Commission on Environmental Quality  
Public Interest Counsel  
PO Box 13087, MC-103  
Austin, Texas 78711-3087  
Facsimile: (512) 239-6377

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PROTESTANTS/INTERESTED PERSONS:

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Boerne, Texas 78006-8104

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Grady B. Jolley  
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Boerne, Texas 78006-3311

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The Honorable Eddie J. Vogt  
Kendall County Judge  
201 E. San Antonio, Suite 120  
Boerne, Texas 78006-2013

Mail

William R. Wood  
306 State Highway 46 W.  
Boerne, Texas 78006-8104

Mail

Patrick Linder  
Davidson & Troilo  
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San Antonio, Texas 78229-5815  
Facsimile: (210) 349-0041

Fax & Mail

ATTACHMENT A  
FAX BROADCAST REPORT

## BROADCAST REPORT

TIME : 07/26/2007 17:30  
NAME : LOWERRE FREDERICK  
FAX : 5124829346  
TEL : 5124696000  
SER.# : 000L5J124075

PAGE(S)

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DATE	TIME	FAX NO./NAME	DURATION	PAGE(S)	RESULT	COMMENT
07/26	17:02	2393311	01:37	13	OK	ECM
07/26	17:05	2394114	01:39	13	OK	ECM
07/26	17:07	2394007	01:52	13	OK	ECM
07/26	17:09	2396377	01:42	13	OK	ECM
07/26	17:27	2390606	02:54	13	OK	ECM

BUSY: BUSY/NO RESPONSE  
NG : POOR LINE CONDITION  
CV : COVERPAGE  
PC : PC-FAX